

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|-------------------------------------|---|------------------------------------|---------------------------------|
| Investigator: Owen Godshall | Team: Squad #4 | CCRB Case #: 201412227 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 12/06/2014 5:45 PM | Location of Incident: § 87(2)(b) 41st Precinct stationhouse | Precinct: 41 | 18 Mo. SOL 6/6/2016 | EO SOL 6/6/2016 | |
| Date/Time CV Reported Sun, 12/07/2014 1:39 AM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Sun, 12/07/2014 1:40 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POM Ahsan Zafar | 03773 | 949822 | 041 PCT |
| 2. SGT Dervent Williams | 01719 | 939693 | 041 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|---|-----------------------------|
| A.SGT Dervent Williams | Abuse: At § 87(2)(b) in the Bronx, Sgt. Dervent Williams stopped § 87(2)(b) | § 87(2)(b) |
| B.POM Ahsan Zafar | Abuse: At § 87(2)(b) in the Bronx, PO Ahsan Zafar stopped § 87(2)(b) | § 87(2)(b) |
| C.SGT Dervent Williams | Force: At § 87(2)(b) in the Bronx, Sgt. Dervent Williams pointed his gun at § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| D.POM Ahsan Zafar | Force: At § 87(2)(b) in the Bronx, PO Ahsan Zafar pointed his gun at § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| E.SGT Dervent Williams | Abuse: At the 41st Precinct stationhouse, Sgt. Dervent Williams threatened to arrest § 87(2)(b) | § 87(2)(b) |

Case Summary

At approximately 5:39 p.m. on December 6, 2014, § 87(2)(b) was standing in the alley next to his home, located at § 87(2)(b) in the Bronx. He was then stopped by two plainclothes officers, Sgt. Derwent Williams and PO Ahsan Zafar of the 41st Precinct (**Allegations A and B**). Both officers pointed their guns at § 87(2)(b) (**Allegations C and D**). Moments later, § 87(2)(b) relatives, § 87(2)(b) and § 87(2)(b) leaned out of a window to see what was happening. Both officers pointed their guns at § 87(2)(b) and § 87(2)(b) and ordered them to get back into the house (**Subsumed in Allegations C and D**). § 87(2)(b) was placed under arrest and taken to the 41st Precinct stationhouse. After the arrest, § 87(2)(b) mother, § 87(2)(b) traveled to the stationhouse along with her daughter § 87(2)(b) and § 87(2)(b) friend § 87(2)(b). She spoke to Sgt. Williams and PO Zafar by the main entrance. After a heated conversation, Sgt. Williams told § 87(2)(b) that if she did not leave the stationhouse, she would be arrested (**Allegation E**). § 87(2)(b) subsequently left the stationhouse. § 87(2)(b) was released later that night. He was initially arrested for an unknown offense. The arrest was subsequently sealed, and he was instead issued a summons for § 87(2)(b).

Mediation, Civil and Criminal Histories

This complaint was ineligible for mediation due to § 87(2)(b) arrest. A request for any notices of claim filed in regards to the incident was submitted to the Comptroller's office on December 31, 2014. It will be added to the case file upon receipt. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (Encl. 3A-D).
- Sgt. Williams has been a member of the service for nine years, and there are no substantiated CCRB allegations against him (Encl. 2A).
- PO Zafar has been a member of the service for four years and there are two substantiated CCRB allegations against him. In case #201307133, question and frisk allegations were substantiated against PO Zafar. He received instructions (Encl. 2B).

Potential Issues

§ 87(2)(g)

Findings and Recommendations

Allegation A: Abuse of Authority – At § 87(2)(b) in the Bronx, Sgt. Derwent Williams stopped § 87(2)(b)

Allegation B: Abuse of Authority – At § 87(2)(b) in the Bronx, PO Ahsan Zafar stopped § 87(2)(b)

Allegation C: Force – At § 87(2)(b) in the Bronx, Sgt. Derwent Williams pointed his gun at § 87(2)(b) and § 87(2)(b)

Allegation D: Force – At § 87(2)(b) in the Bronx, PO Ahsan Zafar pointed his gun at § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on December 22, 2014 (Encl. 6A-C). He is a 6' Hispanic male. § 87(2)(b) stated that at the time of the incident, he was wearing a black jacket and black pants, and standing in the alley of § 87(2)(b). He was approached by Sgt. Williams and PO Zafar, who stopped him and pointed their guns at him. Once he was stopped, he threw a knife that he had been carrying in his jacket pocket into an open window. Moments later, § 87(2)(b) and § 87(2)(b) leaned out of the window to see what was happening. Both officers then pointed their guns towards the window and told the two to go back inside. PO Zafar then asked § 87(2)(b) what he had thrown into the window. When § 87(2)(b) replied that it had been a knife, he was arrested. At the stationhouse, the officers told him that they suspected him of carrying a gun at the time.

When § 87(2)(b) spoke to the officers at the stationhouse, she was told that they had responded to a report of an armed suspect at the intersection of Seneca Avenue and Bryant Avenue § 87(2)(b) s statement, Encl. 7A-C). This was confirmed in SPRINT #§ 87(2)(b) recorded, at 5:20 p.m. on December 6, 2014. In it, a male called identified only as “§ 87(2)(b) reported a 5’4” Hispanic male carrying a gun near the intersection. The SPRINT indicates that § 87(2)(b) arrest occurred at 5:39 p.m. (Encl. 8C-H).

An officer, in response to a radio transmission of a reported crime, can lawfully stop a suspect when he or she generally matches the description of the perpetrator, when the suspect is in close proximity to the location of the crime, and when a short period of time has elapsed between the commission of the crime and the detainment of the suspect. *People v. Bennett*, 37 A.D.2d 483 (App. Term, 2nd Dept. 1976) (Encl. 1A-B). Officers are permitted broad authority to draw and display their weapons when they believe that their safety is in danger. *PD v. Gliner*, OATH Index 955/00 (2000) (Encl. 1C-W).

While § 87(2)(b) is several inches taller than the description given over the radio, his race and clothing otherwise matched the description. § 87(2)(g)

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Allegation E: Abuse of Authority – At the 41st Precinct stationhouse, Sgt. Derwent Williams threatened to arrest § 87(2)(b)

§ 87(2)(b) provided a sworn statement via telephone on December 23, 2014 (Encl. 7A-C). She stated that after § 87(2)(b) arrest, she traveled to the 41st Precinct stationhouse along with her daughter § 87(2)(b) and family friend § 87(2)(b) to find out what had happened. She described herself at the time as being upset and agitated. After speaking to PO Zafar for several minutes, Sgt. Williams told § 87(2)(b) that because § 87(2)(b) is an adult, he did not have to provide her with any information regarding the arrest. He also told her to leave the stationhouse. § 87(2)(b) ignored this command, even after Sgt. Williams repeated it several times. During this time, § 87(2)(b) asked Sgt. Williams for his name and shield number, which he provided. Eventually, Sgt. Williams told § 87(2)(b) that if she did not leave the stationhouse, she would be arrested. Sgt. Williams repeated this threat twice before § 87(2)(b) finally complied.

Creating unreasonable noise and refusing a lawful order to disperse from a public location constitute disorderly conduct (Encl. 1X).

§ 87(2)(g)
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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date